

Message Text

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SUBJ: HUMAN RIGHTS COMMISSION (HRC) US STATEMENT ON CHILE

1. TEXT FOLLOWS OF US REP GARMENT STATEMENT ON CHILE
DELIVERED FEB 19. REPORTING TEL TO BE SENT SEPTTEL.

2. TEXT FOLLOWS: BEGIN TEXT

THE UNITED STATES SUPPORTED THE RESOLUTION OF THE COMMISSION
AT LAST YEAR'S MEETING TO ESTABLISH THE AD HOC WORKING
GROUP ON CHILE. WE WERE ENCOURAGED WHEN THE GOVERNMENT OF
CHILE AGREED TO ADMIT THE WORKING GROUP TO EXAMINE THE SITUATION
WITHIN CHILE ITSELF. THIS REPRESENTED MORE THAN SIMPLY
THE BEST WAY OF CONDUCTING AN INVESTIGATION IN THIS ONE CASE.
IT REPRESENTED A GENERAL PRECEDENT OF POTENTIALLY IMMENSE
VALUE FOR THE PROTECTION OF HUMAN RIGHTS EVERYWHERE.
THE UNITED STATES WAS THEREFORE DISAPPOINTED BY THE SUB-
SEQUENT DECISION OF THE GOVERNMENT OF CHILE REPUDIATING ITS
AGREEMENT AND DENYING ADMISSION TO THE WORKING GROUP.
IN SPITE OF THE IMPEDIMENT, THE AD HOC WORKING GROUP
PROPERLY WENT AHEAD WITH ITS WORK, PROCEEDING TO GATHER IN-

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FORMATION FROM THE BEST SOURCES AVAILABLE TO IT. UNDER THESE

CIRCUMSTANCES, THE REPORT IS AS AUTHROITATIVE AND COMPREHENSIVE AS ONE COULD EXPECT.

QUESTIONS HAVE BEEN RAISED ABOUT THE FACTUAL ACCURACY OF THE REPORT, AND GIVEN THE DIFFICULTY IN ACQUIRING FIRST-HAND EVIDENCE, SOME OF THE DETAILS PRESENTED IN THE REPORT MIGHT WELL BE INACCURATE. THE UNITED STATES IS NOT IN A POSITION TO CORROBORATE ALL THE CHALLENGED FINDINGS OF THE REPORT, BUT IS IS CONVINCED OF ITS GENERAL ACCURACY. OUR BELIEF IN THE GENERAL ACCURACYOF THE REPORT IS BUTTRESSED BY CASES, INVOLVING UNITED STATES CITIZENS. THESE CASES, LIKE THOSE MENTIONED IN THE REPORT, PROVIDE INTERNAL EVIDENCE OF THE SYSTEMATIC MISTREATMENT OF HUMAN BEINGS BY OFFICIAL AGENCIES OF THE GOVERNMENT OF CHILE. FATHER DANIEL PANCHOT, AN AMERICAN PRIEST, WAS ARRESTED IN NOV 1975, AT HIS HOUSE IN SANTIAGO, BY DINA AGENTS, INTERROGATED FOR HOURS AND COMPELLED TO SIGN A CONFESSION UNDER THREAT OF TORTURE. ANOTHER UNITED STATES CITIZEN, AMY CONGER, WAS ALSO SUBJECTED TO SERIOUS ACTS OF MISTREATMENT BY CHILEAN AUTHORITIES IN THE COURSE OF DETENTION. IN SUM, AFTER CAREFULLY WEIGHING ALL THE AVILABLE INFORMATION, THE UNITED STATES HAS NO DOUBT THAT THERE IS A SERIOUS AND CONTINUING PROBLEM OF HUMAN RIGHTS VIOLATIONS IN CHILE.

THE UNITED STATES ALSO JOINED IN THE DECISION AUTHORIZING THE TRANSMISSION OF A TELEGRAM TO THE CHILEAN GOVERNMENT WITH RESPECT TO THE PROSPECTIVE TRIAL OF CERTAIN NAMED INDIVIDUALS. WE DID SO BECAUSE WER RECOGNIZED THAT A PRECEDENT FOR SUCH A MESSAGE WAS ESTABLISHED BY A SIMILAR HUMAN RIGHTS COMMISSION TELEGRAM IN 1974, AND WE BELIEVE THERE IS MERIT TO THE OBJECTION ABOUT THE LENGTH OF DETENTION OF INDIVIDUALS IN QUESTION. HOWEVER, WE DO HAVE RESERVATIONS ABOUT THE WISDOM AND EFFICACY OF CITING INDIVIDUAL CASES RELATING TO HUMAN RIGHTS IN CHILE. A SPECIAL APPEAL FOR THE RELEASE OF WHAT THE TELEGRAM DESCRIBES AS "NOTABLE" PERSONALITIES WILL REINFORCE THE VIEW THAT THE CONCERN OF CERTAIN SPONSORS OF THE RESOLUTION IS NOT SO MUCH TO PROTECT HUMAN RIGHTS AS TO SECURE THE RELEASE OF INDIVIDUALS WHO REPRESENT SYMPATHETIC POLITICAL INTERESTS.

NOW IS SHOULD LIKE TO COMMENT ON CERTAIN INFORMATIN PRESENTED BY THE DELEGATION OF CHILE. IN PARTICULAR, I UNCLASSIFIED

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REFER TO SUPREME DECREE NO. 187, RECENTLY ANNOUNCED BY THE GOVERNMENT OF CHILE, AND DESIGNED TO PROVIDE PROTECTION TO DETAINEES BY MAKING MANDATORY CERTAIN PROCEDURES FOR MEDICAL EXAMINATION. LIKE MANY LAWS, IF FOLLOWED RIGOROUSLY, IT COULD HELP CURE ABUSES OF POLICE POWER. OTHER SPEAKERS-- PARTICULARLY THE REPRESENTATIVE OF THE INTERNATIONAL COMMISSION OF JURISTS--HAVE ANALYSED THE TECHNICAL PROBLEMS OF THIS LAW; AND WE AGREE THAT NEITHER THIS LAW NOR ANY

SINGLE LAW IS CAPABLE OF ENDING VIOLATIONS OF HUMAN RIGHTS IN CHILE. FROM THE INFORMATION BEFORE US, IT APPEARS THAT MOST SERIOUS ABUSES OF HUMAN RIGHTS IN CHILE OCCUR OUTSIDE NORMAL LEGAL CHANNELS. INDEED, IT IS NOT THE TREATMENT AFTER FORMAL ARRAIGNMENT BEFORE A JUDGE THAT PLACES INDIVIDUALS IN JEOPARDY IN CHILE. RATHER, IT IS THE DANGER OF DELAYED ARRAIGNMENT AND THE POTENTIAL FOR PHYSICAL AND PSYCHOLOGICAL ABUSE THAT ACCOMPANIES PROLONGED NON-JUDICIAL DETENTION. AND THIS DANGER WILL CONTINUE UNTIL THE CHILEAN GOVERNMENT TAKES FORCEFUL ACTION TO OUTLAW AND PUNISH INTERROGATION PRACTICES THAT OCCUR OUTSIDE THE NORMAL LEGAL FRAMEWORK.

WE ALSO HOPE THAT IN CONFIRMITY WITH THE TERMS OF THE COMMISSION'S RESOLUTION, THE GOVERNMENT OF CHILE WILL TAKE ADDITIONAL STEPS TOWARD RESTORATION OF NORMAL CHILEAN HUMAN RIGHTS PRACTICES. SPECIFICALLY, THE UNITED STATES WOULD ATTACH SIGNIFICANCE TO THE EARLIEST POSSIBLE TERMINATION OR MODIFICATION OF THE STATE OF SIEGE, TO GUARANTEED RECOURSE TO CIVILIAN TRIBUNALS, FOR REVIEW IF NOT TRIAL OF CASES INVOLVING EVERY PRISONER HELD IN CHILE; AND TO THE RE-ESTABLISHMENT OF FULL INTELLECTUAL, PRESS AND TRADE UNION FREEDOM IN CHILE.

MR. CHAIRMAN, I DO NOT THINK THERE IS ANYTHING NOVEL ABOUT MY COMMENTS ON BEHALF OF THE UNITED STATES, NOR WILL OUR VOTE COME AS ANY SURPRISE. WE HAVE ALREADY STATED MOST OF THESE POSITIONS IN THE GENERAL ASSEMBLY IN CONNECTION WITH THE DEBATE AND VOTE ON RESOLUTION 3448. WE BELIEVE THAT IN THIS CASE THE HUMAN RIGHTS COMMISSION, AND PARTICULARLY THE WORKING GROUP HAS PERFORMED A CONCRETE AND VALUABLE SERVICE FOR THE CASE OF HUMAN RIGHTS.

THERE IS AN ADDITIONAL OBSERVATION I WOULD LIKE TO MAKE, AND A HOPE I WOULD LIKE TO EXPRESS.

ON THIS ITEM, THE UNITED STATES WILL BE VOTING AGAINST CHILE, A GOVERNMENT WITH WHICH IT ENJOYS A FRIENDLY RELATIONSHIP.
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SHIP AND A VARIETY OF IMPORTANT POLITICAL, ECONOMIC AND CULTURAL TIES. BUT IT HAS NO HESITATION IN VOTING AGAINST CHILE BECAUSE THE MERITS OF THE ITEM REQUIRE THAT VOTE. WE ARE PROUD TO BE IN THE COMPANY OF CERTAIN OF OUR COLLEAGUES ON THE COMMISSION WHO LIKEWISE HAVE FRIENDLY RELATIONS WITH CHILE, BUT ARE SUPPORTING THIS RESOLUTION. THIS IS THE WAY HUMAN RIGHTS DECISIONS SHOULD BE MADE BY ALL MEMBERS OF THIS COMMISSION. I REPEAT ALL MEMBERS. ON THE MERITS; AND NOT TO ACCOMMODATE A POLITICAL RELATIONSHIP; OR TO DISADVANTAGE A POLITICAL ADVERSARY; OR TO ADVANCE SOME GENERAL IDEOLOGICAL END. CAN WE SAY WITH CONFIDENCE THAT EVERY MEMBER OF THIS COMMISSION WOULD TAKE THIS KIND OF ACTION AGAINST ANY OTHER MEMBER OF THE UNITED NATIONS, WHATEVER THE STRENGTH OF THE CASE ON THE MERITS? WITH CONFIDENCE I CAN SAY THE ANSWER IS NO. AND WITH EQUAL CONFIDENCE I CAN SAY THAT UNTIL THE ANSWER IS YES THE SELF-PROCLAIMED ROLE

OF THE COMMISSION AS THE GUARDIAN OF HUMAN RIGHTS EVERYWHERE
WILL BE NOTHING BUT A PRETENSION.

I AM RAISING, AS HAVE OTHER MEMBERS OF THIS COMMISSION,
THE INCREASINGLY TROUBLING PROBLEM OF THE DOUBLE STANDARD:
OTHER SITUATIONS INVOLVING GROSS VIOLATIONS OF HUMAN RIGHTS,
WHICH EVERY INDIVIDUAL IN THIS ROOM KNOWS ABOUT, ARE NOT ADD-
RESSED BY THIS OR ANY OTHER UNITED NATIONS AGENCY. THE TIME
IS LONG PAST DUE FOR THE HUMAN RIGHTS COMMISSION TO ESTABLISH
THAT ITS CONCERN FOR HUMAN RIGHTS IS GOVERNED SOLELY BY THE
EVIDENCE. THIS OF COURSE HAS BEEN SAID BEFORE. IT HAS BEEN
SAID TIME AND AGAIN; AND TIME AND AGAIN WITHOUT EFFECT. WE
FULLY UNDERSTAND THE COMPLACENCY OF STATES PROTECTED FROM
INQUIRY AND EXPOSURE BY REGIMENTED SYSTEMS IN DOMESTIC FORUMS,
AND BY ALLIANCES OF SILENCE IN INTERNATIONAL FORUMS. BUT WE
WILL NEVERTHELESS PERSIST AND HOPE FOR CHANGE.
IN SUM, THEREFORE, OUR HOPE IS THAT THE GOVERNMENT OF CHILE
WILL COMPLY WITH THE MINIMAL STANDARDS FOR THE DECENT TREATMENT
OF HUMAN BEINGS SET OUT IN THE PENDING RESOLUTION; THAT THE AD
HOC WORKING GROUP, AND THE COMMISSION WILL CONSIDER THE DEVELOP-
ING SITUATION IN CHILE OBJECTIVELY AND REPORT FULLY ALL
DEVELOPMENT--WHETHER FAVORABLE OR UNFAVORABLE TO CHILE; AND FINALLY,
AND MOST IMPORTANT, THAT THE STANDARDS AND PROCEDURES APPLIED SO
REGOROUSLY TO CHILE WILL IN THE FUTURE BE APPLIED WITH EQUAL
RIGOR BY EACH OF US TO ALL THE OTHERS.
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